

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Pearl T. Grant,)	Civil Action No. 5:13-1199-TLW-KDW
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security,)	
)	
Defendant.)	

Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, has moved this court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for purposes of conducting a *de novo* hearing. Motion for Entry of Judgment with Order of Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g), ECF No. 24. Having been advised of Plaintiff's consent, Defendant's Motion, ECF No. 24, is hereby *granted*.

Further administrative action is warranted in this case. In particular, the Administrative Law Judge ("ALJ") did not properly evaluate whether Plaintiff could perform the physical and mental demands of her past relevant work. Furthermore, the ALJ did not adequately address the nature and severity of Plaintiff's diabetes with retinopathy and any resulting visual limitations during the period at issue. The prior decision found Plaintiff had severe diabetes with retinopathy, Tr. 13; the current decision did not, Tr. 454.

Upon remand, the Appeals Council will instruct the ALJ to further evaluate whether Plaintiff could perform the physical and mental demands of her past relevant work. In addition, the Appeals Council will instruct the Administrative Law Judge to address the nature and severity of Plaintiff's diabetes with retinopathy and whether Plaintiff has any visual limitations during the

period at issue, August 25, 2006 through February 28, 2011. Further, this case was previously remanded to the same ALJ, the Appeals Council will instruct that this case be assigned to a new ALJ.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is fluid and cursive, with the first name "Kaymani" being more prominent and the last name "West" following in a similar style.

March 3, 2014
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

¹The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.